

28507. Adulteration and misbranding of imitation rum flavor. U. S. v. Two 1-Gallon Jugs, et al., of Imitation Rum Flavor. Consent decree of condemnation and destruction. (F. & D. Nos. 41088, 41089. Sample Nos. 53230-C, 53231-C.)

This product contained ethylene glycol, a poison.

On or about December 17, 1937, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 4¾ gallons of imitation rum flavor at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about October 26, 1937, by Charles Dennery, Inc., from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Jugs) "Chas. Dennery Inc., * * * Imitation Rum Flavor, New Orleans, Dallas."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, ethylene glycol, which might have rendered it injurious to health; and in that a product containing ethylene glycol, a poison, had been substituted wholly or in part for the article.

It was alleged to be misbranded in that the label on the jug was false and misleading and tended to deceive and mislead the purchaser.

On December 28, 1937, Charles Dennery, Inc., having consented to the entry of a decree, the product was condemned and ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28508. Adulteration and misbranding of tomato puree and misbranding of tomato sauce. U. S. v. 70 Cases of Tomato Puree and 146 Cases of Tomato Sauce. Decrees of condemnation. Products released under bond for relabeling. (F. & D. Nos. 40299, 40300. Sample Nos. 53415-C, 53416-C.)

The tomato puree was deficient in tomato solids and both products were short weight.

On September 20, 1937, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 70 cases of tomato puree and 146 cases of tomato sauce at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about July 25 and August 25 and 27, 1937, from New Iberia, La., by B. F. Trappey's Sons, Inc., and charging adulteration and misbranding of the tomato puree and misbranding of the tomato sauce in violation of the Food and Drugs Act. The articles were labeled respectively: "Trappey's Shield Label Spanish Style Tomato Sauce * * * Contents 8 Ozs."; "Trappey's Shield Label Brand Tomato Puree * * * Contents 4¾ Oz." Both products were labeled: "B. F. Trappey's Sons, Inc., Lafayette, La."

The tomato puree was alleged to be adulterated in that a substance deficient in tomato solids had been substituted for tomato puree, which the article purported to be. It was alleged to be misbranded in that the statements "Tomato Puree * * * Puree di Pomodoro" were false and misleading and tended to deceive and mislead the purchaser as applied to an article deficient in tomato solids.

Both products were alleged to be misbranded in that the statements "Contents 4¾ Oz." and "Contents 8 Ozs.," borne on the cans, were false and misleading and tended to deceive and mislead the purchaser since the cans contained less than the amounts declared; and in that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On January 26, 1938, B. F. Trappey's Sons, Inc., claimant, having admitted that the products were misbranded, judgments of condemnation were entered and the products were ordered released under bond conditioned that they be relabeled.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28509. Adulteration of canned field peas with snaps. U. S. v. 498 Cases of Canned Field Peas with Snaps (and one other seizure of the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 40604, 40677. Sample Nos. 43662-C, 43663-C.)

One lot of this product was infested with weevils, and the other lot was infested with larvae and affected with anthracnose.

On or about October 28 and November 17, 1937, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agri-

culture, filed in the district court libels praying seizure and condemnation of 498 cases of canned field peas with snaps at Sanford, Fla., and 62 cases of the product at Palatka, Fla., alleging that the article had been shipped in interstate commerce on or about July 20 and 24, 1937, from Mitchell, Ga., the former in the name of R. O. Kelley and the latter in the name of the R. O. Kelley Cannery, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kelley's Best * * * Packed by R. O. Kelley Mitchell, Ga."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On December 2, 1937, and January 11, 1938, no claimant having appeared, judgments of condemnation and forfeiture, with orders of destruction, were entered.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28510. Adulteration and misbranding of Raspberry Flow and misbranding of apricot juice. U. S. v. 35 Cases of Raspberry Flow (and 2 other seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 40515, 40516, 40712. Sample Nos. 10563-C, 41087-C, 41068-C.)

The former of these products was labeled to indicate that it was fresh raspberry juice; whereas it consisted of an aqueous infusion of dried raspberries slightly sweetened; the latter was a diluted slightly sweetened apricot pulp and was labeled to indicate that it was pure apricot juice. The labeling of the latter was also objectionable because of false and fraudulent curative and therapeutic claims for the product and failure to declare the quantity of contents in a plain and conspicuous manner.

On or about October 20 and November 15, 1937, the United States attorney for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 35 cases of Raspberry Flow and 170 cases of apricot juice at Houston, Tex., alleging that the articles had been shipped in interstate commerce on or about July 23 and October 21, 1937, from Los Angeles, Calif., by Pure Foods Corporation, and charging adulteration and misbranding of the former and misbranding of the latter in violation of the Food and Drugs Act as amended. The apricot juice was labeled in part: "Golden Flow Brand Pure Apricot Juice * * * Contents 15 Fl. Oz." An attempt had been made to change the figure "15" in the quantity of contents statement to "12" by pencil, but the "15" was still conspicuous and the "12" illegible. The Raspberry Flow was labeled: "Golden Flow Brand Raspberry Flow." Both products were labeled further: "Pure Foods Corp. Los Angeles, California."

The Raspberry Flow was alleged to be adulterated in that a sweetened aqueous infusion of dried raspberries had been substituted for fresh raspberry juice, which it purported to be. It was alleged to be misbranded in that the statements, "Raspberry Flow * * * The New Fruit Juice Beverage * * * The juice and pulp of genuine raspberries—water-sweetened," and the design of fresh raspberries and juice flowing out of a cornucopia were false and misleading and tended to deceive and mislead the purchaser as applied to a sweetened aqueous infusion of dried raspberries.

The apricot juice was alleged to be misbranded in that the statement "Pure Apricot Juice" and the design of juice flowing out of a cornucopia into a glass were false and misleading and tended to deceive and mislead the purchaser as applied to apricot pulp containing added water and sugar; in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct; and in that statements appearing on the label, "creating vigor, vitality and digestion * * * neutralizing body wear" were statements regarding the curative or therapeutic effects of the article and were false and fraudulent.

On December 23, 1937, and January 7, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28511. Adulteration and misbranding of fruit flavors. U. S. v. 10 Cases, 7 Cases, and 28 Bottles of Lionel True Fruit Flavors. Default decrees of condemnation and destruction. (F. & D. Nos. 39982, 40024. Sample Nos. 20941-C, 20942-C, 21184-C, 21185-C, 21186-C.)

These products were labeled to indicate that they were true fruit flavors, whereas they consisted of mixtures of artificially colored acid solutions and